

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENFORCEMENT DIVISION

CALENDAR YEAR 2001 ENFORCEMENT STATUS REPORT JANUARY 1, 2001 through DECEMBER 31, 2001

The Enforcement Division (ENFD) is responsible for the implementation, coordination and tracking of Department of Environmental Quality (DEQ) enforcement activities, and for the investigation and response to spills and citizen complaints that allege impacts to human health and the environment. The Enforcement Division consists of the Complaint Management Section and the Case Management Bureau.

I. Complaint Management Statistics

Total number of complaint and spill reports received during the report period was 1005.

In an effort to delineate areas of regulatory responsibility for complaints received by the department, a complaint type is assigned that generally relates to program authority. The Complaint Management Section is responsible for the initial investigation of all complaints to determine their validity and to ensure proper follow-up occurs (if needed). Spills being recorded are typically associated with unauthorized material releases resulting from vehicle accidents, mechanical malfunctions, or human error.

Number of Complaint / Spill Reports by Type (DEQ Program or Environmental Media) & General Group				
Air Quality - Indoors	6	Spills (not impacting water)	18.3%	184
Air Quality - Dust	58	Solid Waste		92
Air Quality - Emissions	56	Junk Vehicles		20
Air Quality - Smoke	0	Septic Pumpers		9
Air Quality - Odors	19	Sewage		27
Air Quality - Open Burning	51	Hazardous Waste		16
Asbestos	50	Used Oil		60
Total Air Quality Related	23.9% 240	Pesticides		11
Water Quality	105	Municipal Waste Water Treatment Systems		10
Spills (impacting water)	28	Superfund		3
Non-Point Source Discharges	16	Clandestine Drug Labs		4
Watershed Management (TMDL)	1	Total Waste Related	25.1%	252
Release of Chemicals from Tanks *	13	Abandoned Mines		0
Release of Chemicals from Pipelines	9	Strip and Underground Mining		0
Suspect Hydrocarbon Release	14	Opencut Gravel Mining		15
Underground Storage Tank Regulation	13	Metal Mines		2
Subdivisions	20	Total Mining Related	1.7%	17
Concentrated Animal Feedlot Operations	22	Major Facility Siting Act (MFSA)	0.2%	2
Surface Water (MPDES) Permits	31	Other (Outside DEQ Authority)	1.7%	17
Ground Water (MGWPCS) Permits	0			
Public Water Supply Systems	21			
Total Water Related	29.2% 293	TOTAL FOR ALL COMPLAINTS		1005

* Note that these are releases reported through ENFD. The Hazardous Waste Site Cleanup Bureau received 80 leak reports directly during this time.

Status of complaint and spill reports received during reporting period:

Complaint reports are sent to the ENFD for initial investigation and database entry. Referral occurs when the determination is made that the complaint falls under a specific regulatory authority either within DEQ or of an outside agency. Referral contacts are asked to keep the ENFD informed as to progress and resolution of complaint investigations. If the complainant requests a reply as to actions taken on their complaint, one is provided.

Status of Complaint Spill Reports *	
Active (under investigation by ENFD)	56
Active Referred (to other DEQ program for investigation and follow-up)	85
Active Enforcement Case (complaint that led to a request for enforcement action)	16
Closed (resolved by ENFD)	443
Closed by Program (resolved by other DEQ program)	163
Closed No Violation (ENFD investigation determined no violation occurred)	95
Closed Referred (referred to outside Agency for resolution)	111
Closed Not Enough Information (not enough information was provided or documented to validate)	36
	1005

* Status as of 12/31/01. Please note that the status of complaints and spills can change on a daily basis as work progresses.

II. Case Management Statistics

The following tables provide various statistics concerning enforcement actions taken by the Department of Environmental Quality from January 1, 2001 through December 31, 2001.

Enforcement Actions Processed by Statute										
Statute	Enforcement Requests			Status of Enforcement Requests						
	Total Caseload	Cases continuing CY00	Actions requested CY01	Case Development	In Litigation	Under Order	Referred Cases	Vacated, Stayed or Suspended	Withdrawn	Closed
Air Quality Act	15	12	3		4	3	1			7
Asbestos Control Act	11	6	5	3	1	4				3
Hazardous Waste Act	14	12	2			9				5
Metal Mine Reclamation Act	12	10	2	1	3	4				4
Motor Vehicle Recycling & Disposal Act	16	10	6	5	3	8				
Opencut Mining Act	20	10	10	2	6	6				6
Public Water Supply Act	66	66	0	2	4	41		2	5	12
Solid Waste Act	16	14	2	1	1	10		1		3
Sanitation & Subdivision Law	8	1	7	2	2	2		1		1
Strip and Underground Mine Reclamation Act	29	20	9		4	6		2		17
Underground Storage Tank Act	40	30	10	5		16		1	3	15
Water Quality Act	31	23	8		6	18		2	2	3
TOTAL	278	214	64	21	34	127	1	9	10	76

Case status explanations

Case Development: Case is being developed in the Enforcement Division and/or Legal Unit. Activities include: 1) preparation and review of files and evidence; 2) preparation of administrative and judicial enforcement documents; 3) preparation of penalty calculations.

In Litigation: Defendant and the department are engaged in pre-complaint settlement negotiations; e.g., a demand letter has been sent to the defendant, the defendant has been requested to stipulate to a draft administrative order, etc.

Under Order: Violator is subject to a legally-enforceable administrative or judicial order.

Referred Cases: Case referred to another agency for case management.

Vacated, Stayed, or Suspended: Case that is temporarily or permanently discontinued.

Withdrawn: Enforcement Request was withdrawn before case development began.

Closed Enforcement Case: Case is closed. The defendant has satisfied the terms of the settlement agreement or order.

Analysis of Enforcement Actions by Enforcement Action Type							
Statute	2001 Case Load	Enforcement Action Type					
		Admin.	Civil	Criminal	Denied	Referred	Withdrawn
Air Quality Act	15	11	4				
Asbestos Control Act	11	7	4				
Hazardous Waste Act	14	9	5				
Metal Mine Reclamation Act	12	11	1				
Motor Vehicle Recycling & Disposal Act	16	8	8				
Opencut Mining Act	20	19	1				
Public Water Supply Act	66	53	13				
Solid Waste Act	16	10	6				
Sanitation & Subdivision Law	8	6	2				
Strip and Underground Mine Reclamation Act	29	29					
Underground Storage Tank Act	40	34	6				
Water Quality Act ¹	31	24	7	1 ²			
TOTAL	278	221	57	1	0	0	0

¹ One case under this statute was active in both administrative and judicial settings, but is counted only once as administrative

² This continuing criminal action was initiated in 1997 by a county attorney upon the request of the department

Penalties Statistics (in dollars)							
Statute	Orders w/ Penalties CY2001	Monetary Settlement Penalties		Monetary Penalties Collected		Penalties Suspended	Suppl. Env. Project Value
		Admin.	Civil	Admin.	Civil		
Air Quality Act	8	\$119,010	\$40,000	\$81,210			\$36,450
Asbestos Control Act	2	\$12,495		\$12,495			
Hazardous Waste Act	6	\$43,077		\$6,908	\$450		\$33,724
Metal Mine Reclamation Act	3	\$12,068		\$11,618			
Motor Vehicle Recycling & Disposal Act	4		\$330,900		\$363		
Opencut Mining Act	7	\$4,727		\$6,852			
Public Water Supply Act	10	\$12,533	\$22,392	\$13,820	\$6,036		
Solid Waste Act	4	\$14,000	\$474,431		\$5,500		
Sanitation & Subdivision Law	2	\$53,625			\$4,000		
Strip and Underground Mine Reclamation Act	19	\$302,260		\$302,640			
Underground Storage Tank Act	14	\$5,375	\$3,400	\$5,525	\$6,772		
Water Quality Act	3	\$76,300	\$132,000	\$2,200			\$823,965
Subtotal*		\$655,470	\$1,003,123	\$443,267	\$23,120		
TOTAL	82	\$1,658,593		\$466,387		\$0	\$894,140

* The amount of Penalties Collected does not equal the Settlement Penalties because (1) penalties were not due before the end of CY2001, (2) penalties are being paid under a payment schedule, (3) portions of penalties have been suspended, (4) the violator has failed to pay the penalty, (5) the violator has appealed the penalty order, or (6) the violator is or may be insolvent. In instances where the violator has not paid a penalty that is owed, the department is actively pursuing collection.